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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.730 OF 2005
IN
SUMMARY SUIT NO.2725 OF 2005

Rekha Harakhchand Gala).. Plaintiff

Versus

Chandrakant Harakhchand Kenia).. Defendant

Mr.Chirag Balsara with Ms.Yamini Gada i/b.M/s. Harakhchand & Co. for the Plaintiff.

None present for the Defendant.

CORAM : SMT. NISHITA MHATRE, J.

DATED : 24TH MARCH 2006

P.C.:

. The Suit is based on a Demand Promissory Note under which the Plaintiff advanced an amount of Rs.77,000/- to the Defendant. This amount was to be repaid with interest at the rate of 1.50 per cent per month. The amount had remaind unpaid. Notices sent to the Defendant have not been replied.

2. Although an appearance is filed on behalf of the Defendant, nobody appears for the Defendant nor is any reply filed to the Summons for Judgement.

3. However, with a view to give the Defendant an

opportunity to defend the Suit, conditional leave granted to the Defendant on the Defendant depositing a sum of Rs.77,000/- within four weeks from today, failing which the Plaintiff will be entitled to a decree.

4. If the Defendant deposits the amount as aforesaid, the Prothonotary & Senior Master to invest the same in a Fixed Deposit of a Nationalised Bank initially for a period of three years, to be renewed thereafter till the pendency of the Suit. The Suit shall then be transferred to the list of Commercial Causes.